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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,269	06/25/2003	Efraim Garti	WOLFF P-26	4485

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LACKENBACH SIEGEL
ONE CHASE ROAD
SCARSDALE, NY 10583

EXAMINER

KIM, YOON YOUNG

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,269

Applicant(s)

GARTI, EFRAIM

Examiner

Yoon-Young Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the applicant is claiming a combination including a swimming pool or merely a swimming pool apparatus as in Claim 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leaverton, U.S. Patent No. 6,797,164 B2.

Regarding Claim 1, Leaverton discloses a disposable filter, comprising: a filtering bag (Fig. 1, B) with an opening, the bag being made of a non-woven, synthetic material (Col. 9, Lines 23-30) having filtering perforations, and a stretchable band (Fig. 7, #72) extending along the periphery of the opening, facilitating the easy attachment and detachment of the bag within a liquid filtering apparatus. However, Leaverton does not disclose that the band is substantially flat. The shape of the band has no mechanical function and cannot be relied upon to patentably

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distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The support ring of Leaverton is deemed to be a structure equivalent to the substantially flat band of the invention.

Regarding Claims 2-3, filtering perforation size and air permeability are result-effective variables. Optimum or workable ranges of result-effective variables would be determined to achieve the desired results in the process. In re Boesch, 205 USPQ 215 (CCPA 1980).

Regarding Claim 4, one of skill in the art would by routine experimentation find the optimum stretching strength and bursting strength. It would have been obvious to one of skill in the art to make the strengths as desired or required to optimize filtration.

Regarding Claim 5, Leaverton discloses that the filter is made of polypropylene (Col. 9, Lines 23-30) but does not disclose that the weight is of about 51.2 g/m². One of skill in the art would by routine experimentation find the optimum weight of polypropylene. It would have been obvious to one of skill in the art to make the weight as desired or required to optimize filtration.

Regarding Claim 6, the shape of the band has no mechanical function and cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The support ring of Leaverton is deemed to be a structure equivalent to the substantially flat band of the invention.

5. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leaverton in view of MacDonald, U.S. Patent 4,176,419.

Regarding Claim 7, Leaverton discloses in a swimming pool cleaning apparatus including a framework (Fig. 1, FB) having for supporting a filter, the improvement comprising: a disposable filter; a filtering bag (B) with an opening defined by a rim (#60), the bag being made of a non-woven, synthetic material (Col. 9, Lines 23-30) having filtering perforations, and a

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stretchable band (Fig. 7, #72) extending along the rim of the opening facilitating the easy attachment and detachment of the bag on the framework. However, Leaverton does not disclose that the band is substantially flat. The shape of the band has no mechanical function and cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The support ring of Leaverton is deemed to be a structure equivalent to the substantially flat band of the invention. Leaverton also does not disclose a recess in the framework. MacDonald teaches a swimming pool cleaning apparatus including a framework (Fig. 2, #18) having a peripheral recess (#20). It would have been obvious to one of ordinary skill in the art to modify Leaverton with the element of MacDonald to secure the filter bag on the cleaning apparatus (Col. 3, Lines 12-16).

Regarding Claims 8-9, filtering perforation size and air permeability are result-effective variables. Optimum or workable ranges of result-effective variables would be determined to achieve the desired results in the process. In re Boesch, 205 USPQ 215 (CCPA 1980).

Regarding Claim 10, one of skill in the art would by routine experimentation find the optimum stretching strength and bursting strength. It would have been obvious to one of skill in the art to make the strengths as desired or required to optimize filtration.

Regarding Claim 11, Leaverton discloses that the filter is made of polypropylene (Col. 9, Lines 23-30) but does not disclose that the weight is of about 51.2 g/m². One of skill in the art would by routine experimentation find the optimum weight of polypropylene. It would have been obvious to one of skill in the art to make the weight as desired or required to optimize filtration.

Regarding Claim 12, the shape of the band has no mechanical function and cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The support ring of Leaverton is deemed to be a structure equivalent to the substantially flat band of the invention.

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Regarding Claim 13, Leaverton in view of MacDonald discloses that the filter in its assembled state is slipped over the framework with a stretchable opening tightly surrounding and clinging to a recessed strip (Fig. 2).

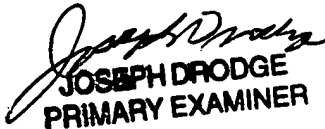
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK
08/02/05


JOSEPH DRODGE
PRIMARY EXAMINER